

Prepared Statement of Mr. Joseph Kinney

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Joseph A. Kinney is an award-winning consultant, businessman, and writer living in Pinehurst, North Carolina. In recent years, Mr. Kinney has distinguished himself for his writings about the role of America's military personnel in the war on terror. A newspaper publisher has said that Kinney "captures the soul of the warrior better than any other writer" in recent history. Since 9/11, Mr. Kinney has written for The New York Times, The Washington Post, Military.com, The Fayetteville Observer and other publications and news outlets, primarily on issues related to the military and the importance of national service. In 2006, Mr. Kinney joined the Editorial Advisory Board of the Fayetteville Observer, a leading North Carolina daily. Currently, Mr. Kinney is writing TO BE A HERO.

Kinney also has developed Kinneyfineart.com, providing historical fine art, and is a leading litigation consultant on security and premises liability issues. While in the Marine Corps, Mr. Kinney won decorations for valor from his service in Vietnam, including the Purple Heart Medal. He has held senior positions during a ten-year career in Washington. He is a past recipient of the Burton Mercier Award for outstanding public service from Illinois State University. Mr. Kinney also holds graduate degrees from the University of Pennsylvania and Syracuse University. He and his wife, Manoela, and five children, live in Pinehurst.

**STATEMENT OF
JOSEPH A. KINNEY, M.P.A., M.A.,
BEFORE THE
SUBCOMMITTEE ON MILITARY PERSONNEL,
COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES**

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The Medal of Honor

Mr. Chairman, Members of the Committee, it is a privilege for me to participate in this important hearing regarding the Medal of Honor and other military awards of valor. This is a significant subject to every man and woman who has worn the uniform of this great nation. It likewise matters to those who care about liberty and the pursuit of happiness in a free nation.

When we award medals of valor, we are honoring courage of patriotic and dedicated men and women. In essence, we are making previously undistinguished men and women into heroes. It is the attribute of courage that is the essence of this nation. Winston Churchill once said: "Courage is rightly esteemed the first of human qualities . . . because it is the quality which guarantees all others."

In my professional judgment, one of the most important functions of any organization is to acknowledge significant contributions of a member in a timely fashion. Simply put, this is Management 101. Established by an Act of Congress in 1863, this high honor has been held out for those who serve above and beyond the call of duty. Most Americans view this award as an honor for individuals who have demonstrated profound bravery in the face of death.

Blood has been poured earning this honor. We must take every measure to protect the integrity that it represents.

However, the best of intentions can be lost in the web of cumbersome administrative processes, which I believe is the case of the Medal of Honor for the War on Terror. In trying to protect the integrity of the Medal of Honor, we end up diminishing it. There are many losers as a result of the tedious pace in which consideration for the Medal of Honor is made. The losers include courageous men and women, their peers and commanders, families, and communities. We are losing our capacity to recognize true valor and this, I am certain, imperils the effectiveness and morale of our fighting forces.

Please consider these questions:

- Do we lack true heroes from the War on Terror?
- Is there something in our culture that paralyzes recognizing our bravest warriors?
- Are we afraid to honor the best among us?
- Why is it that we cannot parade our War Heroes down Fifth Avenue?
Why should we be so ashamed as to not honor our Heroes?

Nearly forty years ago I wore the uniform of the United States Marine Corps. I fought alongside men Black and White, rich and poor, city kids and farm boys, in a place called Vietnam. At times it seemed like we were more of a gang than a smooth functioning military unit, but I will assure you that we never forgot that we were Marines. Duty, God, honor and country were foremost in our hearts and minds.

Statistics can be abused but this comparison is telling. Our nation awarded 240 Medals of Honor for valor in the Vietnam War as compared to just two for the War on Terror.

There is, of course, legend surrounding the idea of the Marine Corps. Since I was a small boy, I looked up to Perry Brixey, my uncle, in his sharp Marine Corps uniform. I dreamed of being a Marine. He and his brother, Dwain, still another Marine, were larger than life. I knew that my Uncle Perry was a veteran of Guadalcanal and the hardest fighting in Korea. I would later learn that he served with a Medal of Honor winner.

It is our proud tradition that sustains us in the darkest moments of war, be it in on the sands of Iwo Jima, the perimeter of Khe Sanh, or in the stark alleys of Fallujah.

I never heard a Marine or soldier declare that he or she would win The Medal on any particular day. We go into battle not knowing anything except that we will do as we are ordered, and that we will conduct ourselves with the honor that comes with being a Marine, Soldier, Sailor or Airman.

Our uniforms may change but one thing remains the same. It is the Medal of Honor and the men who have worn it more than any other characteristic that links this generation of Marines with those of Vietnam, Korea, World War II, and

before.

The Medal of Honor is important because this decoration identifies and sanctions the heroes among us. As a past warrior, I can tell you that it is recipients of this Medal that establish standards and norms of valor that will define us for the future.

The Medal represents the highest sacrifice that a man or woman can make for their country. It, more than anything else, reveals the true nature of a selfless person who is willing to put the safety of others first. More than half of the Medal's recipients died during action for which they were cited. For Vietnam, 179 of the MOH awards were made posthumously.

Mr. Chairman, the Medal of Honor has become rare during the War on Terror. Have we no heroes? Could it be that the young men, some even kids, who fight today are unworthy of this honor?

I have read hundreds of citations for the Medal of Honor. The unifying characteristic is spontaneous and decisive action that successfully turns the course of battle and saves the lives of others. I say unplanned because I believe that the Medal of Honor is not won out of premeditation, but a decision to take action at a moment in time. I say decisive because the action saves lives, often in a way that decides the outcome of an engagement. I cannot help but think of the words of Gulliaume Apollinaire, the French poet, who wrote: "Come to the edge, He said. They said: We are afraid. Come to the edge, He said. They came. He pushed them, And they flew . . ."

That said, I am certain that there are many service men and women who deserve the Medal of Honor but have failed to receive consideration for a variety of reasons. I certainly believe that there are many more deserving candidates than there are individuals who actually received the Medal. I think back to the Tet invasion of 1968 where valor was commonplace in the Marine Corps and Army. Facing incredible odds, we defeated our enemy by any military measure. On those dark days, valor was commonplace for the American warrior. We fought until the ammunition was gone then fixed bayonets for the next charge. This was not Bunker Hill, but Vietnam 38 years ago.

Let me be clear that I am here today because of a vicarious feeling that I have for today's Marines and soldiers. No one paid me to be here or is footing my expenses. I drive a Ford F150 pick-up that carries me to where I need to be, which is here at this moment. I live near the gates of Fort Bragg, home of Army special operations. Hardly a day passes when I see and talk with these brave soldiers. I have no doubt that these young men and women are the best soldiers

there ever was. Let me repeat: The best ever! They are more intelligent, stronger physically, and willing to take on the rigors of war in a way that should make us all proud.

In my own way, I am determined to use every ounce of my energy to ensure that the men and women of today's armed forces do not endure the abuse and indignities that those in my generation still experience. For the record, my guys won the war in Vietnam. During ten years of fighting, we briefly lost control of only one urban area, Hue City in the north of the country. Within a couple of days, we re-took Hue. During the Tet offensive, we turned back more than two million North Vietnamese and Viet Cong attackers. When the blistering attacks and bombardment of Khe Sanh came, we held. When Lt. Colonel Hal Moore's soldiers were faced with crushing odds in the Battle of Ia Drang, they prevailed.

Hurdles to Overcome

Today, warriors and their families are facing a new nemesis. They are confronting an insidious adversary – a web of bureaucratic processes that make it impossible to promptly award deserving men or women a Medal of Honor. Nightmarish procedural and review hurdles for the Congressional Medal of Honor have evolved over time in a way that stifles the meaning of the award. In promulgating these hurdles, we can actually lessen the service of those deserving this award.

It is past time that we clear the wheat from the chaff, and bring honor to the deserving.

History demonstrates that the Medal of Honor has normally been awarded in close proximity in time to the actual event. For example, Audie Murphy received his Medal of Honor two days after his heroism. During the battle for Iwo Jima, 22 Marines and five sailors were awarded the Medal of Honor. All received their award before they left Iwo a month after the fighting began.

Since the war on Terror ensued, just two Medals of Honor have been awarded, both posthumous. In each case, both recipients died saving others. In the first case, two long years transpired between the time of Paul Smith's heroic act and the day his surviving wife and 11-year old son received his MOH. Specifically, Sergeant First Class Paul Smith single-handedly killed more than 30 insurgents with a .50 caliber machine gun and hand grenades, saving the lives of 100 soldiers. During the melee, he organized the evacuation of several wounded soldiers. He paid with his life but his son and wife did not receive his Medal until 730 long days had passed.

More recently, the family of Marine Corporal Jason Dunham received his Medal

of Honor. He used his helmet to buffer the blast on an enemy grenade. A shard of metal blew through his helmet and into his head, eventually taking his life at Bethesda Naval Hospital. Yet it took Washington 900 days to award his Medal to his family.

How long does it take to measure the heroic contributions of a fallen warrior? Is 300 days enough? 500? Perhaps 30 to 90 days is a very realistic period. The passage of time doesn't freshen memory, just the opposite. Excessive delay is the Medal's worst enemy, lessening the impact on those who most benefit: recipients, fellow warriors, families, and communities.

There were 179 posthumous Medals of Honor awarded for combat during the Vietnam Conflict or one for each 324 killed in the Conflict. As of November 30, 2006, there were 2,882 U.S. military killed in Iraq and another 349 killed in Afghanistan. This equates to one posthumous Medal of Honor for each 1,616 dead. This suggests that a member of the military killed in Vietnam is five times more likely to receive a Medal of Honor than a service member in the War on Terror.

Where Have All the Heroes Gone?

When I drive my pickup down the road and see a vehicle owned by a veteran, I wonder. Was this a man who charged enemy positions at risk of life and limb?

Was this one of those men who carried a badly wounded buddy out of the bush with enemy fire all around?

Where have all the heroes gone? They are just down the street from us. They go to church with us, play golf or bowl with our family and friends. They do what they can to keep food on the table and the bills paid. When I see this men and women, I beam with pride but yet wonder who they really are and what they did.

I was blessed to see heroic acts, some still unacknowledged, during my service in Vietnam. As grunts, we longed to be appreciated for going to war. But in the heat of combat, it all changes. We no longer exist for ourselves, but for each other. We are molded into a brotherhood: All for one, one for all. While our mission is to destroy a cunning and ferocious enemy, we did so in the context of saving each other. It is this brotherhood that calls us and sustains us, that gives us reason to believe and have hope when others let us down.

Our business is not just to please other mortals, but the God that calls us to arms, who sustains us during difficult periods, and gives us the guts to get it done. It is this God that shall judge us, not only as men, but also as warriors undeniably

linked throughout history to our brothers who fought for family and community.

I *don't* know of any Marine who has won a cherished medal that cannot identify similar or even more courageous Marines who have gone unacknowledged for essentially the same valor. I *do* know that every American lives a short ride from a true hero and they don't even know it.

My mind swells with memories. Did you know that the 5th Marine Regiment battle flag has over 450 battle streamers? There is no regiment in the entire American military as honored as the proudly acclaimed as the Fifth Marines. As a Marine, you sign up for war and when business is good, you will be in the thick of things.

Sadly, we know so few of the stories of our heroes. I can only guess why this is. Maybe it was the nature of war. Perhaps by praising a few good men, we will be forced to confront the wider dimensions of battle and the price that individuals so freely paid to honor their nation. The bravery of my fellow Marines clearly demonstrated our valor, which, if fully revealed, would have overwhelmed the most cynical person.

I want to tell you about one of those heroes. I do so because his accomplishment was so extraordinary that he commands acknowledgement. *Life Magazine* even documented his achievement. There was never a more obvious candidate for the Medal of Honor *in any war*.

His heroism so conspicuous yet not on the radar screen for those who awarded medals. Perhaps one of the most horrific battles of the Vietnam War came during the siege of Khe Sanh. This remote combat base was as far northwest as the units were based in Vietnam. It was dangling like fish bait for the North Vietnamese Army (NVA).

Khe Sanh was in the middle of major NVA infiltration routes across the demilitarized zone. It made sense that the American military attempt to intercept these units as they made their way south. In time, the US built a large base. Khe Sanh was viable as long as the Marines and Special Forces ran patrols to cut off NVA probes of the base's perimeter. When the patrols operated, the NVA could not get their rockets and mortars into a position to be effective. Suddenly, the patrols were ordered to a halt and Marines and others were like ducks at a shooting gallery.

It was time to dig-in for what surely would be a major fight. The great Tet offensive came. Soon, the NVA began blasting the base with all that they had and the weather worsened. The Marines were left to defend Khe Sanh with

diminished ammunition and supplies, a growing tally of wounded and dead, and no reinforcements in sight.

The best way into Khe Sanh for the NVA was through a pass between two hills.

The Marines dug trench lines across the choke point to make their stand.

Lieutenant Don Shanley was the platoon commander given the task of defending that precious ground. He looked more like a Rhodes Scholar than a jaw-breaking Marine. In fact, he had been an All-America swimmer at Stanford University where he studied literature.

Shanley knew that it was only a matter of time before the “Big One” would come. Each day he worked with his squad leaders establishing their fields of fire, to cover all angles into the choke point they defended. He knew that planning and discipline were critical to defending the choke point.

The attack that came exceeded expectations. It came late one night. In a nearby tree line, more than a thousand NVA soldiers lined up for a major assault against Shanley’s platoon of 45 souls. Ever alert, Shanley’s platoon picked up the movement of NVA toward their position. The NVA came in waves that horrified Shanley who took up his own firing position in the second trench line. Scores of NVA soldiers fell during the first assault, which was designed merely to test Marine resolve.

As the NVA made their strategic retreat, Shanley assessed the situation. He had a hand full of casualties, including two killed in action. Yet he knew one thing, that his men were made of steel and that they would never bend.

Shanley re-positioned his platoon in the second, third and fourth trenches. He knew that the enemy would be back, that it was only a question of time. Fire support provided illuminating flares that confirmed what Shanley feared most.

The NVA had redoubled their attack. Everywhere that Shanley looked with his night vision scope were NVA soldiers with AK-47s with fixed bayonets.

Hundreds if not thousands swarmed toward Shanley’s platoon.

The NVA pounded Shanley’s positions en masse and the lines held as men in the second trench were forced into hand-to-hand combat. Shanley’s men, with his encouragement, fixed bayonets and smashed the invaders. In a bold move, Shanley led his men in a counter-attack to the first trench line, a move that startled the NVA.

Once again, the NVA were forced to retreat.

It was now slightly after 3 a.m. Shanley didn’t know how many times he could

defend the choke point. The seconds felt like minutes and Shanley knew he had no time to lose. He crawled from position-to-position, re-focusing fields of fire while sharing encouraging words to his men. Virtually every man that Shanley touched was wounded, some severely. But each man wanted to fight, to stay the course.

Shanley surveyed the landscape and could see piles of dead NVA soldiers everywhere. His platoon had killed more than a two hundred NVA and had wounded countless others. There were at least three dozen bodies in and around the first trench line. The NVA fought with discipline, but the Marines were tougher.

Soon, the swarms of NVA came again. This time the attack was even more ferocious as they broke into a dead run up the grade toward the Marine positions. Just as before, Shanley's men held their fire until the optimal time came. They unleashed their M-60 machine guns, M-79 grenade launchers, and M-16s with as much gusto as possible.

Once more, Shanley, facing death, crawled to key positions shouting encouragement while carrying the badly wounded back to the fourth trench line.

Shanley's ear and nose were bleeding from the concussion of grenades. He had shrapnel wounds on his chest, arms and legs. There were NVA bodies everywhere; some piled three and four deep. To consolidate, Shanley moved his men back to the third and fourth trench lines.

With the rising sun came the end of the battle. Shanley lost a dozen men killed in action. Virtually every member of the platoon was wounded. But they had held the line, and Khe Sanh was safe.

Men in Shanley's platoon that I have interviewed felt that their platoon leader justly deserved the Medal of Honor. The facts were not only undeniable, but the legendary photographer, David Douglas Duncan, captured them in photographs in Life Magazine.

The oversight of failing to recognize Don Shanley's heroism troubles me to this day. I wasn't at Khe Sanh. In fact, I have only met Don Shanley on one occasion. But I know what my brothers in arms have told me about this remarkable man and how he lived his life on this remarkable night. In fact, had Shanley's platoon not held their ground that Khe Sanh would have been lost and hundreds of Americans killed.

I know that Don Shanley has paid a horrendous price. In a narrow way, he never reached his potential as a Stanford graduate. Rather than become a man of letters or a prominent business leader, he retreated into the outer reaches of Elk, California where he established a small landscaping business. In his heart, Don Shanley knows that only a small number of men will ever come to appreciate what he did for his country. In some ways, that is enough. But it is unjust that this nation has failed to take full measure of this great man.

I ask that this Committee work with me to rectify this great injustice. Don Shanley should be awarded the Medal of Honor. The vision of this man comes into my mind as I contemplate the many that served so well. As I look back to Khe Sanh, not a single Marine was awarded the Medal of Honor for service there. The scores of Marines gave their all. They put up a stellar fight. For those lost, God was their witness and He held them in His arms as they breathed their last breath.

Where have all the heroes gone? I say that they are all around us. You can start by reading the 58,000 names on a dark granite wall in Washington, D.C. This war and last, there are heroes in the large cities and on our farms, in Butte, Buffalo, and Bismarck. They are everywhere you look. They may live down the street from you, even on the same block. There are men and women that we will never know. It is true that we will never been able to change this. But we should be certain that we give honor where it is due as the evidence compels us.

Brian Chontosh

I would be remiss if I did not mention Brian Chontosh, a true hero from the present War on Terror. Chontosh is an example of a Marine who has yet to receive the credit that is due him. He is the kind of warrior who, in years past, would have received a ticker-tape parade down Fifth Avenue.

As a young lieutenant in 2003, he and his platoon were ambushed near Baghdad. Machine gun fire, mortars and rocket-propelled grenades spewed from every direction. Lieutenant Chontosh ordered his Humvee directly into an enemy machine-gun position, where his gunner destroyed the nest. He then advanced on a trench, where he exited his vehicle and scattered enemy fighters. After his ammunition was depleted, he twice picked up an enemy's rifle and continued firing.

By the time the smoke cleared, Lieutenant Chontosh had killed more than 20 insurgents and saved the lives of dozens in his platoon. For his incredible courage, he was awarded the Navy Cross, the second-highest award given to Marines. Second highest? I am pledged to work to correct what clearly is an

error in judgment by someone in the military community.

Recommendations

My recommendations are intended to streamline the current awards process so that Medals of Honor can be awarded in close proximity in time to the heroic event. Further, I wish to see efforts made that adequately acknowledge the heroic accomplishments that simply are overlooked at present.

My proposals should not be taken as criticism of the Department of Defense or the military services.

Also, it is important that the integrity of field commanders manage the war fighting process and that awards do not become a bureaucratic hindrance.

I am certain that the individuals involved in the process of reviewing cases for the Medal of Honor only wish to protect the integrity of the award, a goal that I embrace.

The recommendations that follow below are meant as general guidelines not as strict standards. Those making important decisions should operate under realistic timeframes.

My suggestions:

First, any posthumous award for valor should be granted within seven days of death arising from wounds received in combat in cases where this is possible and where the integrity of the award can be preserved.

Second, the award of a Medal of Honor to a living member of the military should be granted within 30 days of the return of the individual from the theater of operations.

Third, in cases involving previous military action dating back several years, an award decision should be made within one year of the beginning of consideration.

Fourth, any review process by the Department of Defense in Washington should include both combat experienced officers and enlisted individuals.

Mr. Chairman, I began by saying that we must properly recognize courage as a building block for sustaining this nation. Without courage, we have nothing. I hope that this Committee will find the message that I have brought today useful in its understanding of a complex issue. There is nothing more sacred to the

warriors of the U.S. military than to be honored for heroism in combat. In so doing, we not only honor the recipient, but the men and women who wear the uniform.

May we work together to see that our warriors are properly, promptly and adequately recognized for service above and beyond the call of duty? Equally important, let us preserve the integrity of our medals of valor. In so doing, we will bring honor to all of the men and women who wear the uniforms of this great nation. . In closing, it has been a privilege to address this hearing.